



**Air Pollution Control District Governing Board**

Anne Marie Birkbeck-Garcia	Enrique Medina
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**AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD**  
**AGENDA**  
**FRIDAY, APRIL 16, 2021, AT 1:30 P.M.**  
**COUNTY ADMINISTRATION CENTER**  
**1600 PACIFIC HIGHWAY, ROOM 302, SAN DIEGO, CA 92101**

*Due to the Coronavirus (COVID-19) public health emergency and per Governor Newsom's executive order to stay home (N-29-20), in-person participation at Air Pollution Control District Governing Board meetings is not allowed at this time. All meetings will be conducted via teleconference until in-person meetings resume. Members of the public can access the meeting using the following Zoom meeting credentials below:*

<b>Phone Numbers:</b>	<b>Meeting ID:</b>
(877) 853-5247 (Toll Free)	943 5217 5327
(888) 788-0099 (Toll Free)	

**ORDER OF BUSINESS**

- A. Roll Call
- B. Public Communication  
*Opportunity for members of the public to speak to the Board on any subject matter within the Board's jurisdiction but not an item on today's agenda.*
- C. Approval of the Statement of Proceedings/Minutes for the San Diego County Air Pollution Control District Governing Board April 2, 2021 meeting.
- D. Agenda Items
- E. Adjournment

**AGENDA ITEMS**

**Recommendation**

**1. AMENDMENT TO THE SERVICES AGREEMENT BETWEEN THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT AND THE COUNTY OF SAN DIEGO RELATED TO FLEET SERVICES**

*Prior to March 1, 2021, the San Diego County Air Pollution Control District (APCD) was governed by the County of San Diego Board of Supervisors, sitting as the Air Pollution Control Board. As a result, the County and the APCD did not have a need to formalize the fiscal and operational relationship between the two entities. However, the passage of AB 423 (Gloria, 2019) resulted in the formal separation of the APCD from the County. This formal*

Action

*separation required the APCD to enter into a formal agreement with the County related to the provision of services and payment of costs between the two entities, as allowed by California Health and Safety Code section 40101(b), to ensure the APCD has the support it needs to carry out its mission. The agreement addresses the current legal relationship between the two agencies, as well as the specific changes that occurred to that relationship with the change in governance structure. For example, the agreement addresses the services currently provided to the APCD by County departments including the Auditor and Controller, Human Resources, General Services, County Counsel, and Purchasing and Contracting, and specifies the payment mechanisms for those services. The agreement was approved for execution by the Air Pollution Control Board on August 5, 2020.*

*Among the services provided by the County under the agreement are fleet management services including vehicle procurement, maintenance, fueling, and parking at County facilities. According to the agreement, these services are limited to vehicles for which the County is named on the title. The APCD owns 54 vehicles, but has previously included the County on the vehicle titles in order to obtain fleet management services. The APCD and County staff have now determined that it is in the best interests of both parties to transfer title of those vehicles to the APCD. Accordingly, today's proposed action would authorize the Air Pollution Control Officer to amend the services agreement between the APCD and the County to remove the requirement that the County remain on the vehicle title for the vehicles to be eligible for fleet management services and to make corresponding amendments to other provisions of the agreement, including insurance and indemnity.  
Recommended by: Interim Air Pollution Control Officer*

2. **OVERVIEW OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT** Informational  
*An overview of the Air Pollution Control District (APCD) and its core programs and services will be presented to the Board by Interim Air Pollution Control Officer and Air Pollution Control District Executive Staff.*
  
3. **CLOSED SESSION** Closed Session  
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
**(Paragraph (1) of subdivision (d) of Government Code Section 54956.9)**  
*Robertson's Ready Mix v. San Diego Air Pollution Control District  
Superior Court for the State of California, County of San Diego  
Case No. 37-2021-00001630-CU-MC-CTL*

**Supporting Documents:** Attachments and supporting documentation for items listed on this agenda can be viewed online on the [APCD Governing Board webpage](#) or at the San Diego County Air Pollution Control District, 10124 Old Grove Road, San Diego, CA 92131.

**Meeting Access:** Members of the public who wish to watch the virtual meeting can visit [http://www.youtube.com/channel/UCvHQTorxJyMOL-MfhG\\_twpA](http://www.youtube.com/channel/UCvHQTorxJyMOL-MfhG_twpA). For additional meeting access

information, please visit the [Air Pollution Control District Governing Board](#) online or, send an email to [APCDPublicComment@sdcounty.ca.gov](mailto:APCDPublicComment@sdcounty.ca.gov).

**Assistance for Persons with Disabilities:** Agendas and records are available in alternative formats upon request. Contact the APCD Governing Board Clerk at (858)-586-2600 with questions or to request a disability-related accommodation including sign language interpretation. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 72 hours in advance of the meeting so that arrangements may be made.

**Public Comments:** Persons who wish to address the Governing Board on an item to be considered at this meeting, or on non-agenda items, may submit a [Request to Speak](#) form or email comments to [APCDPublicComment@sdcounty.ca.gov](mailto:APCDPublicComment@sdcounty.ca.gov). When emailing your comments, please include the meeting date, agenda item, your name, and your organization. All comments received prior to the close of the meeting will be made part of the meeting record. If you wish to submit written materials to be placed into the record or have an attachment to your comment, you may email it to [APCDPublicComment@sdcounty.ca.gov](mailto:APCDPublicComment@sdcounty.ca.gov) or submit via U.S. Mail to 10124 Old Grove Road, San Diego, CA 92131. Materials submitted via e-mail will be distributed to the Board according to the deadlines described below. Materials submitted via U.S. Mail will need to be received the business day prior in order for it to be distributed to the Board.

Comments received prior to the start of the meeting will be distributed to the Board and posted online with the meeting materials. Comments received after the start of the meeting but before the item is called will be submitted into the written record for the corresponding agenda item.

**Language Interpreter Assistance:** Language interpreter services for public speakers are available upon request to the San Diego County Air Pollution Control District at least 72 hours prior to the meeting. Please contact the Air Pollution Control District Governing Board Clerk at (858) 586-5600 or via e-mail at [APCDPublicComment@sdcounty.ca.gov](mailto:APCDPublicComment@sdcounty.ca.gov) if interpreter services are needed.